



CITY CLERK'S OFFICE
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**CITY OF EL PASO, TEXAS
BUILDING & PLANNING SERVICES**

MEMORANDUM

TO: The Honorable Mayor & City Council
Jim Martinez, Chief Administrative Officer
Adrian Ocegueda, Executive Assistant to the Mayor
Laura Uribarri, Executive Assistant to the Mayor

COPY TO: Lisa A. Elizondo, City Attorney
Theresa Cullen-Garney, Deputy City Attorney
Deborah G. Hamlyn, Deputy CAO for Quality of Life Services
Norman C. Merrifield, Director of Parks & Recreation
George G. Sarmiento, Director of Planning
Irene D. Ramirez, Interim City Engineer
David Almonte, OMB Director
Richarda D. Momsen, Municipal Clerk

FROM: Patricia D. Adauto, Deputy CAO for Building & Planning Services

SUBJECT: City Council Agenda Items, April 20, 2004

DATE: April 15, 2004

The following related items have been scheduled for City Council action as noted above:

A. Resolution authorizing the Mayor to sign a Joint Resolution between the EL PASO WATER UTILITIES-PUBLIC SERVICE BOARD and the CITY OF EL PASO authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of \$120,000 as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer. (District 1)

B. Resolution authorizing the Mayor to sign a Developer Agreement between COLONY PARTNERS L.P. and the CITY OF EL PASO for the construction of certain improvements to

Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20-acre parcel contemplated for use as a City park. The developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code. (District 1)

C. Budget Transfer Request – authorizing Building & Planning Services to appropriate \$120,000 to pay for infrastructure improvements in connection with the development a 20-acre park at Franklin Hills. Funding source is HFC funds.

Attached is a copy of a memorandum dated April 2, 2004 sent to Mr. Ed Archuleta, General Manager of the El Paso Water Utilities that provides backup documentation regarding this item. The El Paso Water Utilities-Public Service Board met on April 14, 2004 and approved the 20-acre land transfer. The Board, however, did not authorize the deduction of an additional \$120,000 for improvements to street and drainage rights-of-way abutting the site from proceeds derived from future land sales. A funding source has been identified from the Office of Management & Budget and the budget transfer will accomplish the needed authority to resolve this matter. Copies of the Resolutions are also attached for your information. Should you have any questions, please contact me at 541-4853 or Deborah Hamlyn at 541-4242. Staff will be available to fully brief the item at the Council meeting.

Office Use Only		
Mayor's Office (3 copies):	date: _____	time: _____ by: _____
Representative District 1:	date: _____	time: _____ by: _____
Representative District 2:	date: _____	time: _____ by: _____
Representative District 3:	date: _____	time: _____ by: _____
Representative District 4:	date: _____	time: _____ by: _____
Representative District 5:	date: _____	time: _____ by: _____
Representative District 6:	date: _____	time: _____ by: _____
Representative District 7:	date: _____	time: _____ by: _____
Representative District 8:	date: _____	time: _____ by: _____



**CITY OF EL PASO, TEXAS
BUILDING & PLANNING SERVICES**

MEMORANDUM

TO: Ed Archuleta, P.E., General Manager
El Paso Water Utilities

COPY TO: Jim Martinez, Chief Administrative Officer
Laura Uribarri, Executive Assistant to the Mayor
Adrian Ocegueda, Executive Assistant to the Mayor
Lisa A. Elizondo, City Attorney
Theresa Cullen-Garney, Deputy City Attorney
Deborah G. Hamlyn, Deputy CAO for Quality of Life Services
William R. Torgerson, Interim Director of Parks & Recreation
George G. Sarmiento, Director of Planning
Irene Ramirez, Interim City Engineer

FROM: Patricia D. Adauto, Deputy CAO for Building & Planning Services
P. Adauto

SUBJECT: Joint Resolution for Land Conveyance & Improvements,
Franklin Hills Units 2, 4, 5 & 6

DATE: April 2, 2004

Per our prior discussions, this memorandum is to request that the El Paso Water Utilities-Public Service Board authorize the land transfer and participate in the cost of right-of-way improvements on approximately 20 acres of land abutting Franklin Hills Units 2, 4, 5 and 6. Attached is a detailed chronology of the authorizations that have been granted relative to the subject properties by the City of El Paso.

In summary, the City (on behalf of the El Paso Water Utilities-Public Service Board) sold approximately 484 acres of unimproved land to API Properties Thirty, LLC in May 2000. During that same period, discussions were held to transfer approximately 20 acres to the City as a potential park site in the same area. This transfer of 20 acres was **not** executed under the misimpression of City staff. As a result, City authorizations on a Land Study, rezoning and various subdivision plats submitted by the owners of the approximate 484 acres were approved as if the 20-acre site had been transferred to the City for development as a City park. Portions of the identified 20-acre site, approximately 1.662

acres, have been authorized for right-of-way dedications within Franklin Hills Units 2, 4, 5 and 6 for street and drainage purposes. Additionally, discussions have been underway and a Developer Participation Agreement drafted that would commit the City to approximately \$120,000 worth of street and drainage improvements within Franklin Hills Units 4 and 6. Colony Partners, the Developer, has represented that the City's share of costs for improvements on the identified portion of rights-of-way within Franklin Hills Units 4 and 6 is estimated to be \$254,826. However, because the Development and City staff thought that the abutting site would be developed as a park, the City staff and the Developer agreed on a negotiated value of \$120,000 for identified improvements.

As I indicated to you, throughout the land development review process for the property formerly owned by the El Paso Water Utilities-Public Service Board (and referred to as Franklin Hills Units 2, 4 5 and 6), no indication was given by El Paso Water Utilities staff nor from other City Departments that the 20-acre parcel had not been transferred to the City as a proposed park site. At this point, the interest is to resolve the situation and to minimize any City exposure. Specifically, I would request that the El Paso Water Utilities-Public Service Board consider the following:

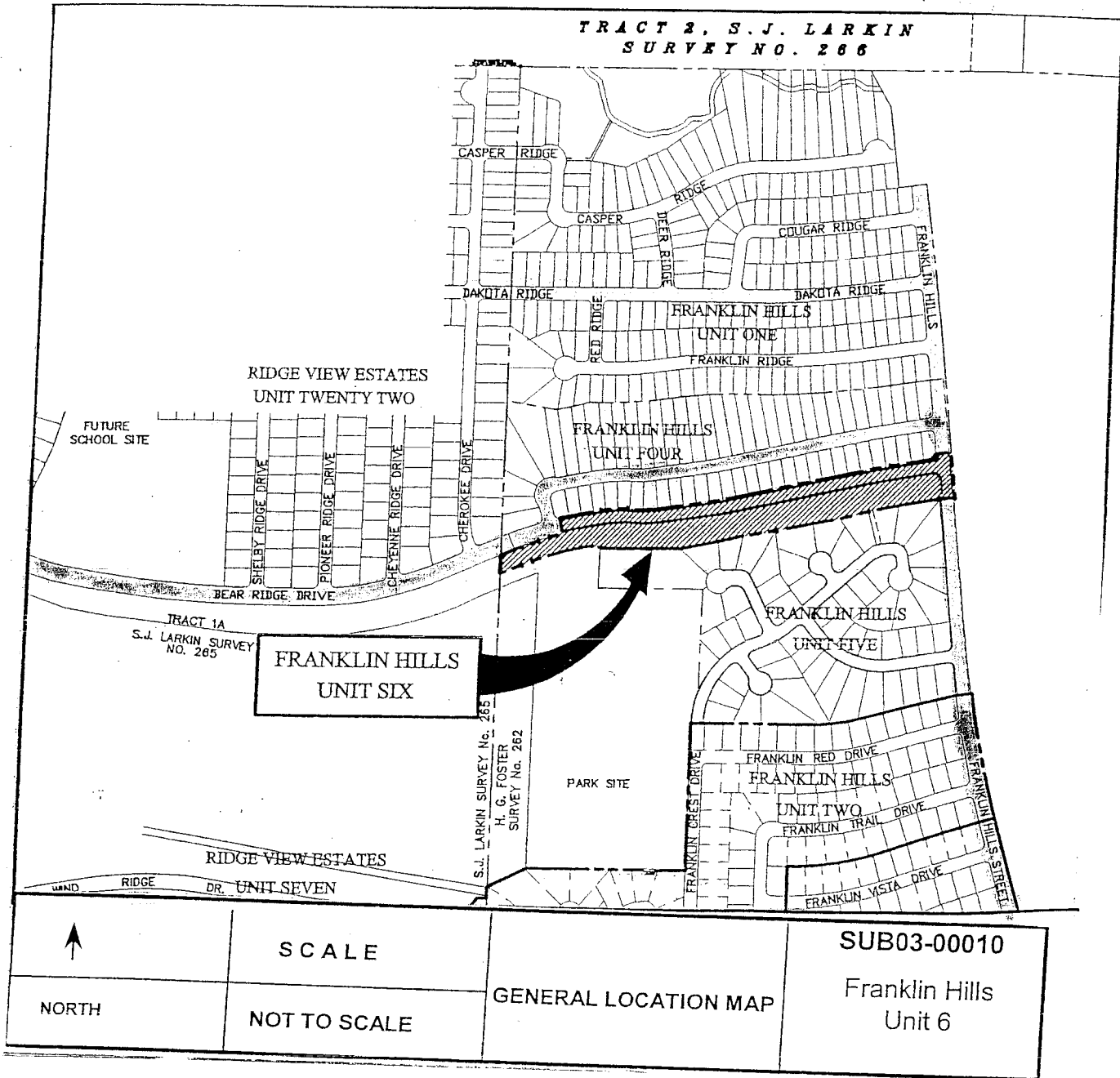
1. That the identified 20-acre parcel of El Paso Water Utilities-Public Service Board land be transferred to the City to permit: (a) the dedications of rights-of-way for street and drainage purposes made within Franklin Hills Units 2, 4, 5 and 6 (approximately 1.662 acres); and (b) the development of a City park on the remaining 18.338 acres; and
2. That the value of the 20 acres of El Paso Water Utilities-Public Service Board land be based upon the May 2000 discussions between the City and the El Paso Water Utilities-Public Service Board; that is 60% of the appraised value of \$10,000 per acre, for a total of \$120,000; and
3. That the El Paso Water Utilities-Public Service Board participate in the cost of the improvements within the dedicated rights-of-way for street and drainage purposes made within Franklin Hills Units 4 and 6 in the amount of \$120,000 as tentatively identified in a draft Developer Participation Agreement between the City and Colony Partners; and
4. That the El Paso Water Utilities-Public Service Board accepts reimbursement through deductions due the City in the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$240,000 to cover the land transfer and street and drainage improvements.

The City Attorney's Office will work with the El Paso Water Utilities staff to draft an appropriate agreement to bring before the El Paso Water Utilities-Public Service Board for action. As

Ed Archuleta
Joint Resolution for Land Conveyance & Improvements
Franklin Hills Units 2, 4, 5 & 6
April 2, 2004
Page Three

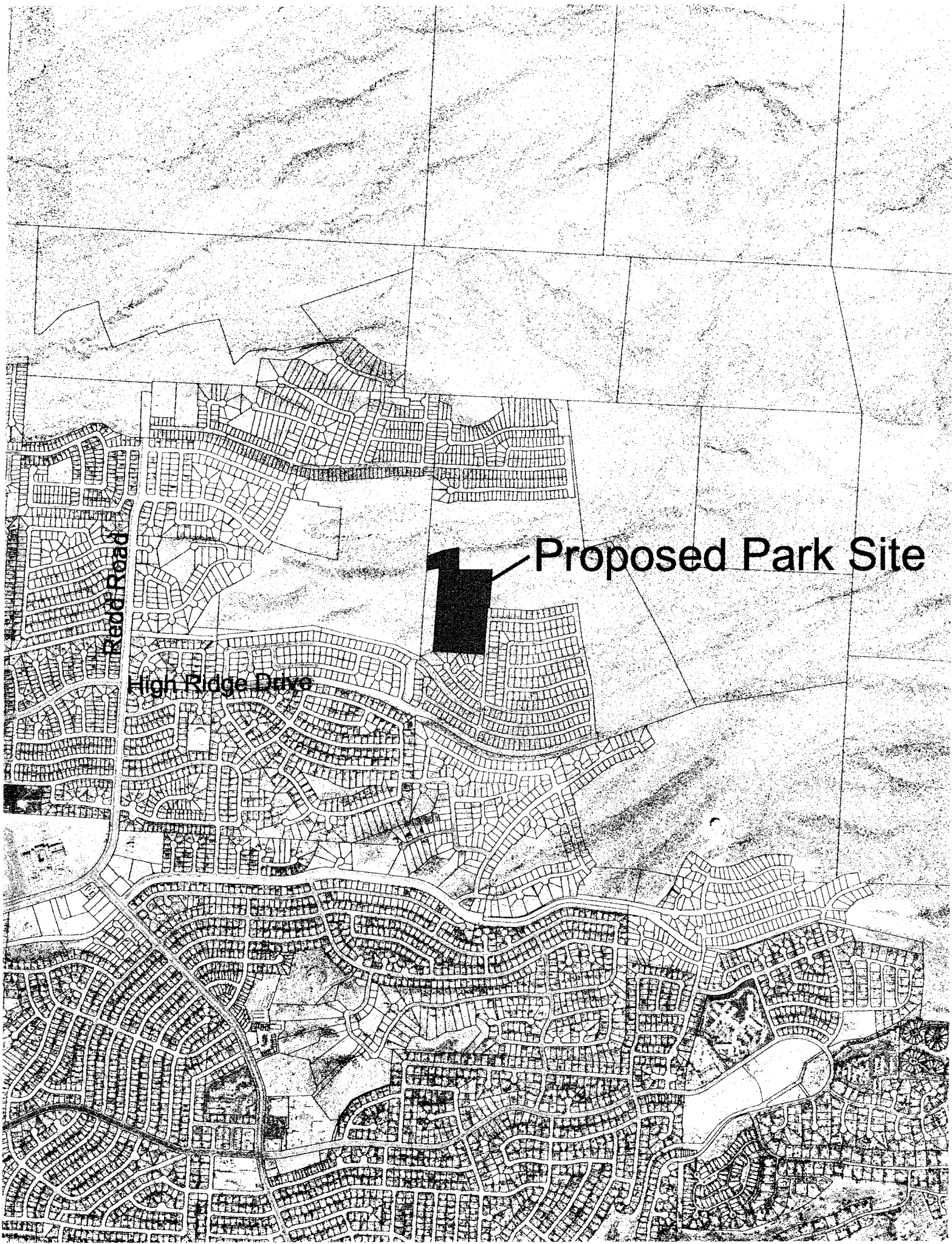
timing is critical to the applications in process and approvals requested by Colony Partners within the subject property, I would respectfully request that you place any necessary item(s) regarding this issue on the Board agenda for April 14, 2004. I will plan to attend and answer any questions that the Board may have. City Council action will also be scheduled for April 13, 2004 and will be subject to the approval of the El Paso Water Utilities-Public Service Board. Should you have any questions, I may be contacted at (915) 541-4853. Thanks in advance for your consideration of this request.

TRACT 2, S.J. LARKIN
SURVEY NO. 266



SUB03-00010

Franklin Hills
Unit 6



Proposed Park Site

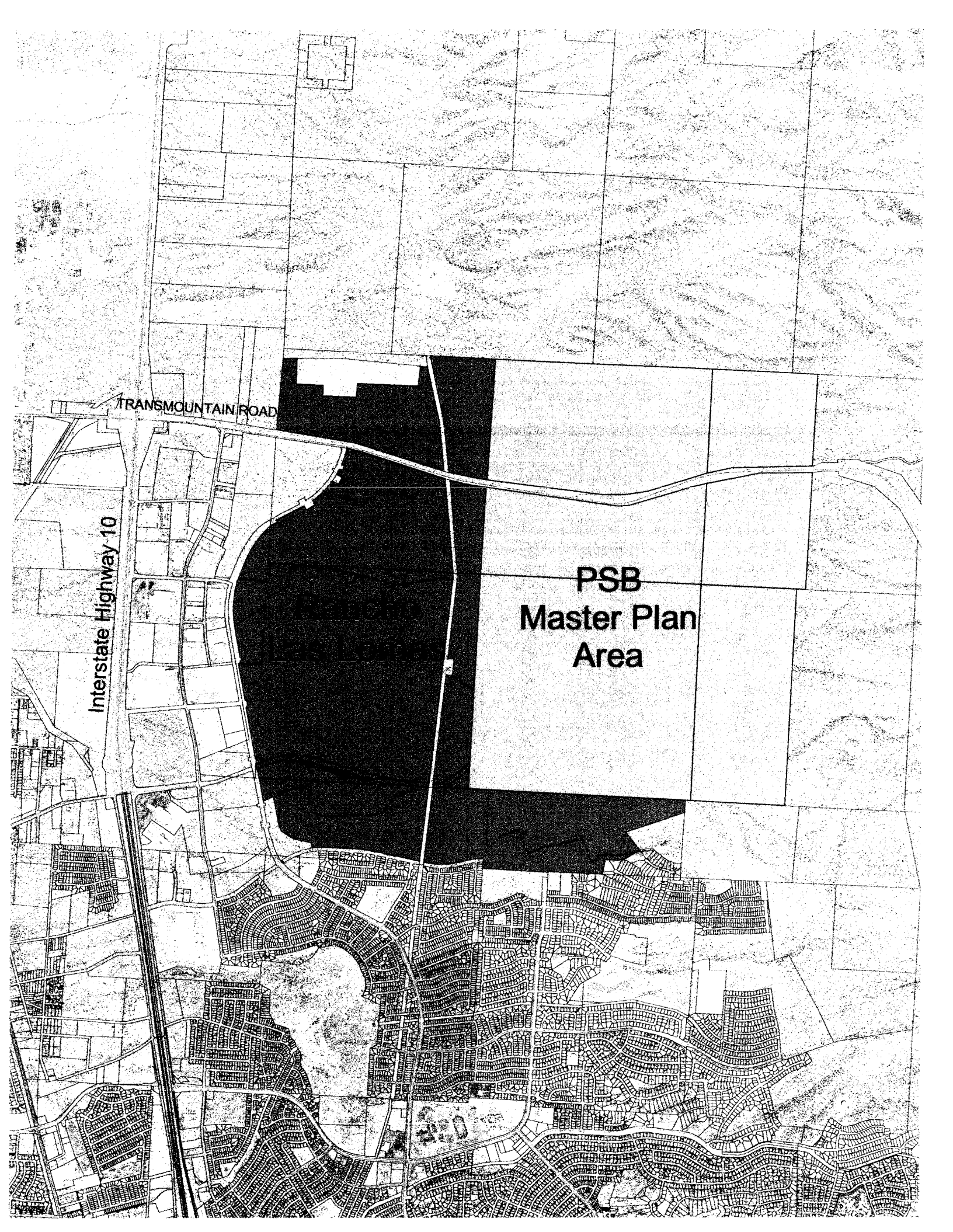
Redd Road

High Ridge Drive

TRANSMOUNTAIN ROAD

Interstate Highway 10

**PSB
Master Plan
Area**



FRANKLIN HILLS CHRONOLOGY

ATTACHMENT	DATE	UNIT	NOTATION	
Attachment "A"	May 15, 2000		Sale of Property from PSB of 502.98 acres and excluding 20 acre tract from sale.	
Attachment "B"	July 31, 2000		Memo from PSB regarding two prospective Park Sites, one 20 acres, the other 80 acres.	
Attachment "C"	October 16, 2000	Land Study	Application Received	
"C"	November 8, 2000	Land Study	Development Coordinating Committee Approval	
"C"	January 8, 2001	Land Study	Letter from Planning stating November 8 th , 2000 Land Study – City Plan Commission approved date.	
Attachment "E"	October 9, 2001	UNIT 2	Preliminary Application Received	
"E"	May 7, 2002	UNIT 2	Final Application Received	
Attachment "D"	August 8, 2002	Land Study Area	FEMA issued CLOMAR. Application shows channel and extension of Bear Ridge Street.	
"D"	October 5, 2002		Pre-final grading permit #02-313 issued to Desert Pass.	
"D"	November 18, 2002	UNIT 2	Improvement Plans received for review.	
Attachment "E"	December 19, 2002	UNIT 2	Staff Report for City Plan Commission review date of 12-19-02.	
"E"	December 31, 2002	UNIT 2	Letter from Planning stating December 9 th , 2002, Unit #2 City Plan Commission approval date.	
"E"	February 25, 2003	UNIT 2	Improvement Plans Approved.	
"E"	March 18, 2003	UNIT 2	Resolution – Mayor authorized to sign Plat with understanding that a portion of City property is located therein.	
"E"	March 19, 2003	UNIT 2	Plat Map Recorded	

FRANKLIN HILLS CHRONOLOGY - CONTINUED

ATTACHMENT	DATE	UNIT	NOTATION	
Attachment "F"	July 1, 2003	UNIT 4	Preliminary Application Received	
"D"	October 20, 2003		Pre-final grading permit #03-410, #03-411, #03-412, issued to Colony Partners.	
"F"	November 25, 2003	UNIT 4	Final Application Received	
Attachment "G"	December 16, 2003	UNIT 4, UNIT 5, UNIT 6	Resolution - Mayor authorized to sign Plat with understand that a portion of City property is located therein.	
Attachment "F"	December 18, 2003	UNIT 4	Staff Report for City Plan Commission review with date of 12-18-03.	
"F"	January 2, 2004	UNIT 4	Letter from Planning (final plat)	
"D"	February 6, 2004	UNIT 4	Improvement Plans received for review. **(15 work days) = 2-27-04 Review response due date.	
Attachment "H"	July 1, 2003	UNIT 5	Preliminary Application Received	
"H"	November 25, 2003	UNIT 5	Final Application Received	
"H"	December 18, 2003	UNIT 5	Staff Report for City Plan Commission review with date of 12-18-03.	
"H"	January 2, 2004	UNIT 5	Letter from Planning (final plat)	
"D"	February 6, 2004	UNIT 5	Improvement Plans Received for Review. **(15 work days) = 2-27-04 Review response due date.	
Attachment "I"	July 30, 2003	UNIT 6	Preliminary Application Received	
"I"	November 25, 2003	UNIT 6	Final Application Received	
"I"	September 18, 2003	UNIT 6	Staff Report for City Plan Commission review with date of 9-18-03. (Preliminary Plat)	
"I"	October 14, 2003	UNIT 6	Letter from Planning (Preliminary Plat)	
"I"	December 18, 2003	UNIT 6	Staff Report for City Plan Commission review with date of 12-18-03. (final plat)	
"I"	January 2, 2004	UNIT 6	Letter from Planning (final plat) * Not in Planning File *	

FRANKLIN HILLS CHRONOLOGY - CONTINUED

[illegible]

JOINT RESOLUTION

WHEREAS, on May 15, 2000, the Public Service Board of El Paso (PSB) sold approximately 484 acres of unimproved land in Northwest El Paso and set aside an identified 20 acre site from the sale; and,

WHEREAS, there were various discussions between staff members of the City of El Paso Parks and Recreation Department and the El Paso Water Utility regarding the use of the 20 acre site as a park site; and,

WHEREAS, the 20 acre site was never transferred from the El Paso Water Utility inventory to the City of El Paso inventory for use as a public park; and,

WHEREAS, the City would like to finalize the transfer of the identified 20 acre site to the City inventory,

NOW THEREFORE BE IT RESOLVED BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. The findings and recitations set out in the preamble to this Resolution are found to be true and correct, and that they are hereby adopted by the PSB and the City Council and made a part of this Resolution for all purposes.

Section 2. The PSB hereby determines that the transfer of real property described in Exhibit "A" hereto, being a 20-acre tract of land in H. G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, has become inexpedient to use in connection with the Water and Wastewater System, and will not impair the assets of the El Paso Water Utilities or adversely affect the operation of the Utility.

Section 3. The property described in Exhibit "A" hereto is hereby transferred from the jurisdiction of the PSB to the jurisdiction of the City of El Paso.

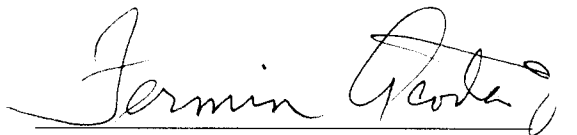
Section 4. The City shall pay the PSB the sum of \$120,000 as consideration for this transfer. The PSB will accept reimbursement through deductions due the City from the proceeds derived from future PSB land sales in the amount of \$120,000, to cover the land transfer.

Section 5. That a true, correct and complete copy of this Resolution shall be transmitted to the City Attorney's Office.

Section 6. This resolution shall become effective from and after its adoption, as allowed by law.

PASSED AND APPROVED at regular meeting of the Public Service Board of the City of El Paso, Texas, this 14th day of April, 2004, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001 et. seq.

PUBLIC SERVICE BOARD



Chair

ATTEST:

APPROVED AS TO FORM:



Secretary-Treasurer



General Counsel

(Signatures continue on the next page)

ADOPTED THIS _____ day of _____, 2004, by the City Council of the City of El Paso.

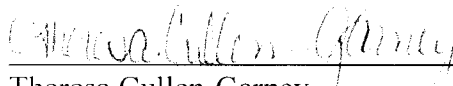
CITY OF EL PASO:

Joe Wardy
Mayor

ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Theresa Cullen-Garney
Deputy City Attorney

APPROVED AS TO CONTENT:



Patricia D. Adauto
Deputy CAO, Building & Planning Services

SAVING AND EXCEPT

LEGAL DESCRIPTION

A 20.00 ACRE TRACT OF LAND IN H. G. FOSTER SURVEY NO. 262, CITY OF EL PASO, EL PASO COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at an existing 2" Iron pipe set in concrete and marked for the Northwestern corner of said H. G. Foster Survey No. 262 and the Northeastly corner of S. J. Larkin Survey No. 265; **THENCE**, South $00^{\circ}03'36''$ West with the common line of said S. J. Larkin Survey No. 265, and H. G. Foster Survey No. 262 a distance of 1942.47 feet to a point on the centerline of a proposed extension of Bear Ridge Drive, a proposed 70.00 foot wide right of way and the **POINT OF BEGINNING** for the following described 20.00 acre tract of land;

THENCE, North $66^{\circ}37'22''$ East with said proposed centerline of Bear Ridge Drive a distance of 45.30 feet to a point of curvature and corner of this tract;

THENCE, northeasterly continuing with said proposed centerline and with the arc of a curve to the right a distance of 285.59 feet to a point of tangency and a corner of this tract; Said curve having a radius of 1250.00 feet, a central angle of $13^{\circ}32'56''$ and a chord which bears North $73^{\circ}23'50''$ East a distance of 294.90 feet;

THENCE, North $80^{\circ}10'18''$ East continuing with said proposed centerline a distance of 82.86 feet to a corner of this tract;

THENCE, South $00^{\circ}03'36''$ West a distance of 284.29 feet to a corner of this tract;

THENCE, North $90^{\circ}00'00''$ East a distance of 429.50 feet to a corner of this tract;

THENCE, South $00^{\circ}03'36''$ West a distance of 1143.75 feet to a corner of this tract;

THENCE, South $90^{\circ}00'00''$ West a distance of 679.17 feet to a corner of this tract;

THENCE, North $00^{\circ}03'36''$ East a distance of 1187.42 feet to a corner of this tract;

THENCE, southwesterly with the arc of a curve to the left a distance of 48.54 feet to a point of tangency and a corner of this tract; Said curve having a radius of 1075.19 feet, a central angle of $02^{\circ}35'10''$ and a chord which bears South $67^{\circ}54'58''$ West a distance of 48.53 feet;

Exhibit "A"

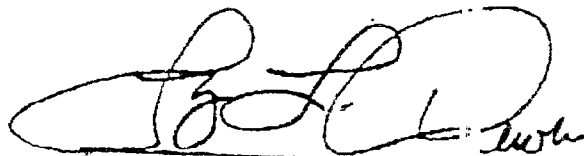
1 of 3

THEENCE, South 66°37'22" West a distance of 121.08 feet to a point on said common line of said S. J. Larkin Survey No. 265 and H. G. Foster Survey No. 262, and a corner of this tract;

THEENCE, North 00°03'36" East with said common line of said S. J. Larkin Survey No. 265 and H. G. Foster Survey No. 262, a distance of 190.53 feet to the POINT OF BEGINNING.

This tract of land contains 20.00 Acres (871,200 Sq. Ft.) more or less.

LAND-MARK PROFESSIONAL SURVEYING, INC.



Larry L. Drewes
Registered Professional Land Surveyor
Texas No. 4869
1405 Vanderbilt Drive, Suite "A"
El Paso, Texas 79935
(915)598-1300

Date: April 24, 2000.
Job No. 00-03-11774

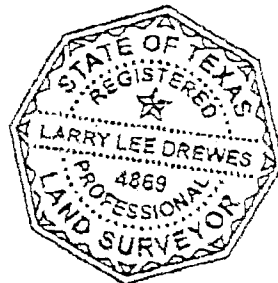


Exhibit "A"

2 of 3

From HUNT BUILDING CORPORATION

+9155331172

T-224 P.003/005 F-726

2" Iron Pipe
Set in Concrete
Mk'd. for NE Cor. Surv. 265
and NW Cor. Surv. 262

H. C. Foster Survey No. 262



Proposed Extension
of Bear Ridge Drive
(70.0' R.O.W.)

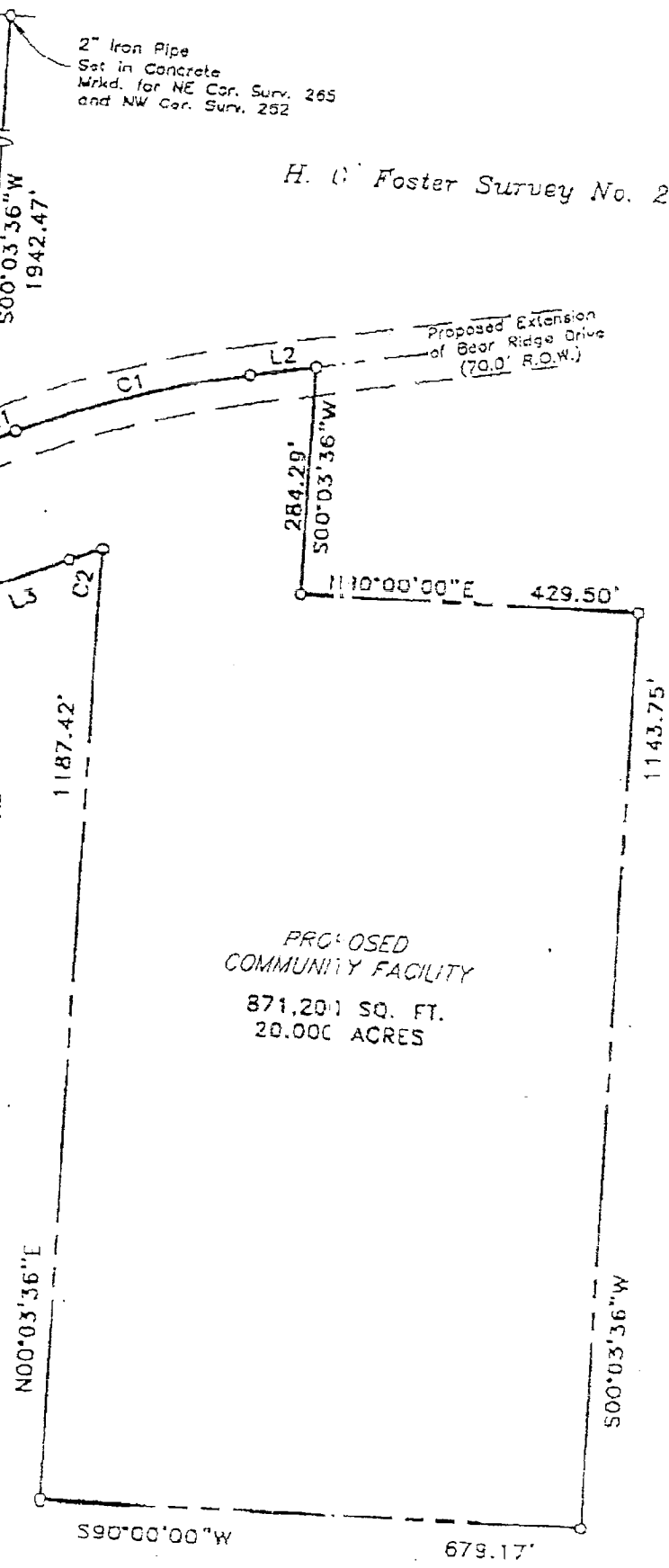
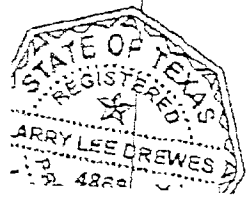
P.O.B.

S. J. Larkin Survey No. 265

Survey Boundary Line

H. C. Foster Survey No. 262

PROPOSED
COMMUNITY FACILITY
871,200 SQ. FT.
20.000 ACRES



LINE	DIRECTION	DISTANCE
L1	N66°37'22"E	45.30
L2	N80°10'12"E	67.37

Exhibit "A"
3 of 3